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Observance of the International Day for the Right to the Truth concerning Gross Human Rights Violations and for the Dignity of Victims

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 65/196, in which the Assembly, inter alia, proclaimed 24 March the International Day for the Right to the Truth concerning Gross Human Rights Violations and for the Dignity of Victims. The present report provides a brief overview of the right to the truth, which is followed by an account of the extent and nature of the observance of the International Day. The report concludes that there is a need for greater awareness about the International Day.

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I. Introduction

1. By its resolution 65/196, the General Assembly proclaimed 24 March the International Day for the Right to the Truth concerning Gross Human Rights Violations and for the Dignity of Victims, and invited all Member States, organizations of the United Nations system and other international organizations and civil society entities, including non-governmental organizations (NGOs) and individuals, to observe the International Day in an appropriate manner.

2. In proclaiming 24 March the International Day, the General Assembly recognized both the importance of promoting the memory of victims of gross and systematic human rights violations and the importance of the right to truth and justice, and acknowledged the significance of paying tribute to those who have devoted their lives to, and lost their lives in, the struggle to promote and protect human rights for all. In this regard, the General Assembly recognized the important and valuable work of Monsignor Oscar Arnulfo Romero, of El Salvador, who was actively engaged in the promotion and protection of human rights in his country, particularly through his messages, in which he denounced violations of the human rights of the most vulnerable populations. The General Assembly also recognized the values of Monsignor Romero and his dedication to the service of humanity in the context of armed conflict through the defence of human rights, protecting lives and promoting human dignity, his constant calls to dialogue and his opposition to all forms of violence, which consequently led to his death on 24 March 1980.

3. The resolution also requested the Secretary-General to report to the General Assembly at its sixty-sixth session on the implementation of the resolution. The Secretary-General submits this report pursuant to that request. The report first provides an overview of the right to the truth. It then summarizes the information provided by Member States, organizations of the United Nations system, and other international organizations and civil society entities regarding activities carried out to commemorate the International Day.

II. The right to the truth

4. The right to the truth about serious violations of human rights and international humanitarian law first arose in the context of cases of missing and disappeared persons.[1] It has taken on increasing importance in recent decades and has become recognized as a right also applicable with regard to other gross violations of human rights, such as extrajudicial executions, torture,[2] and ill treatment, including sexual violence.[3] Furthermore, the right to the truth is closely linked to the right to an effective remedy, the right to legal and judicial protection, the right to an effective investigation, the right to a hearing by a

[1] See, for example, E/CN.4/1435, para. 187; E/CN.4/1983/14, para. 134; E/CN.4/1984/21, paras. 159-171; *Annual Reports of the Inter-American Commission on Human Rights 1985-1986*, OEA/Ser.L/V/II.68, Doc. 8, rev. 1 (26 September 1986), p. 205; 1987-1988, OEA/Ser.L/V/II.74, Doc. 10, rev. 1 (22 September 1987), p. 359.

[2] See Inter-American Commission on Human Rights, Report No. 136/99, Case 10.488 *Ignacio Ellacuría et al. v. El Salvador* (22 December 1999), paras. 221-232.

[3] See Inter-American Court of Human Rights, *González et al. ("Cotton Field") v. Mexico*, Judgment of 16 November 2009 ("González et al. v. Mexico"), paras. 454-455.

competent, independent and impartial tribunal, the right to reparation, and the right to seek and to impart information.

5. The right to the truth is recognized in several international treaties and instruments,[4] national laws,[5] national, regional and international jurisprudence,[6] and numerous resolutions and statements of intergovernmental bodies at both the international level and the regional level.[7]

6. The Basic Principles and Guidelines on the Right to a Remedy and Reparations for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, and the Updated Set of principles for the protection and promotion of human rights through action to combat impunity recognize the right to the truth.

7. The Basic Principles provide that satisfaction, which constitutes one form of reparation, can include "verification of the facts and full and public disclosure of the truth".[8] Principle 1 of the Updated Set of principles provides that States have an obligation "to ensure the inalienable right to know the truth about violations". Principle 2 states that "every people has an inalienable right to know the truth about past events concerning the perpetration of heinous crimes and about the circumstances and reasons that led, through massive or systematic violations, to the perpetration of those crimes. Full and effective exercise of the right to the truth

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[4] See Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), art. 32; International Convention for the Protection of All Persons from Enforced Disappearance, art. 24 (2).

[5] See Colombia Victims' Rights and Land Restitution Law 2011 (Law No. 1448, 10 June 2011).

[6] See National courts of: Colombia (Constitutional Court of Colombia, Case T-249/03, Judgment of 20 January 2003, and Case C-228, Judgment of 3 April 2002); Peru (Constitutional Tribunal of Peru, Judgment of 18 March 2004, Case 2488-2002-HC/TC); and Argentina (Agreement of 1 September 2003, National Chamber for Federal Criminal and Correctional Matters, Case of Suarez Mason, Rol. 450, and Case of Escuela Mecanica de la Armada, Rol. 761); Human Rights Chamber for Bosnia and Herzegovina, "Srebrenica Cases", Cases Nos. CH/01/8365 et al., Decision on Admissibility and Merits, paras. 185-186, 191, 220 (4), Human Rights Committee Views, for example, *Almedia de Quinteros et al. v. Uruguay*, Communication No. 107/1981, 21 July 1983, para. 14; *S. Jegatheeswara Sarma v. Sri Lanka*, Communication No. 950/2000, 16 July 2003, para. 9.5; *Mariam Sankara et al. v. Burkina Faso*, Communication No. 1159/2003, 28 March 2006, para. 12.2. Human Rights Committee Concluding Observations. See, for example, CCPR/C/79/Add.95, para. 10; CCPR/C/COL/CO/6, para. 11; CCPR/C/DZA/CO/3, para. 12 (b) and (c); Inter-American Court of Human Rights, for example, Case of *Velásquez Rodriguez v. Honduras*, Judgement of July 29 1988, para. 181; Case of *Bámaca Velásquez v. Guatemala*, Judgement of 22 February 2002, paras. 74-78; Case of *Kawas-Fernández v. Honduras*, Judgment of April 3 2009, para. 117; Case of *Myrna Mack Chang v. Guatemala*, Judgment of 25 November 2003, paras. 274-275; *González et al. v. Mexico*, para. 454. See also European Court of Human Rights, for example, *Kurt v. Turkey*, App. No. 24276/94, Judgment, 25 May 1998, paras. 124, 128; *Cyprus v. Turkey*, App. No. 25781/91, Judgment, 10 May 2001 (Grand Chamber), paras. 131-136.

[7] See Commission on Human Rights resolution 2005/66 (20 April 2005); Human Rights Council decision 2/105 (27 November 2006) and resolutions 9/11 (24 September 2008), 12/12 (1 October 2009), and 14/7 (23 June 2010). Working Group on Enforced or Involuntary Disappearances, General Comment on the Right to the Truth in relation to Enforced Disappearances (22 July 2010).

[8] See General Assembly resolution 60/147, para. 22 (b); see also A/CN.4/1998/53/Add.2, principle 16 (1); General Assembly resolution 47/133; Economic and Social Council resolution 1989/65, annex.

provides a vital safeguard against the recurrence of violations."[9] Principle 4 further sets out the victims' right to know, and provides that "irrespective of any legal proceedings, victims and their families have the imprescriptible right to know the truth about the circumstances in which violations took place and, in the event of death or disappearance, the victims' fate."[10]

8. Moreover, Principle 34 of the Updated Set of principles states that "in the case of forced disappearance, the family of the direct victim has an imprescriptible right to be informed of the fate and/or whereabouts of the disappeared person and, in the event of decease, that person's body must be returned to the family as soon as it has been identified, regardless of whether the perpetrators have been identified or prosecuted".

9. As provided for, and developed in, international and regional jurisprudence, national jurisprudence and laws, and the instruments, principles and resolutions adopted by the United Nations system, the right to the truth implies knowing the full and complete truth about the events that transpired, their specific circumstances, and who participated in them, including knowing the circumstances in which the violations took place, as well as the reasons for the violations. In the cases of enforced disappearance and missing persons, the right also implies the right to know the fate and whereabouts of the victim.

10. Notably, the Inter-American Commission on Human Rights found, inter alia, that the right of Monsignor Romero's relatives and society at large to the truth regarding his extrajudicial execution on 24 March 1980 was violated as a consequence of the amnesty law in force in El Salvador, which prevented the undertaking of necessary judicial investigations.[11]

11. International, hybrid and national courts, truth commissions,[12] international and national commissions of inquiry,[13] national human rights institutions, and other administrative bodies and proceedings may all constitute important tools for ensuring the right to the truth.

12. The scope and content of the right to the truth continues to be developed. Recently, in response to requests by the Human Rights Council, the Office of the United Nations High Commissioner for Human Rights (OHCHR) organized seminars and expert meetings on practices at national and international levels, and produced reports, regarding various aspects of the right to the truth, including archives, witness and victim protection programmes, and the use of forensic genetics.[14]

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[9] See E/CN.4/2005/102/Add.1.

[10] Ibid., principles 3 and 5.

[11] Inter-American Commission on Human Rights, Report No. 37/00, Case 11.481 *Monsignor Oscar Arnulfo Romero y Galdámez v. El Salvador* (13 April 2000), paras. 72, 144-151.

[12] Since 1974, 40 truth commissions have been established in countries around the world.

[13] Most recently, international commissions of inquiry were established to investigate allegations of serious violations of international human rights law in Libya (see Human Rights Council resolution S-15/1, report submitted to the Human Rights Council in June 2011), and Côte d'Ivoire (see Human Rights Council resolution 16/79; see also Human Rights Council resolution S-14/1.

[14] See A/HRC/5/7, A/HRC/12/19, A/HRC/15/33 and A/HRC/15/26. A second report on forensic genetics and human rights will be presented to the Human Rights Council at its eighteenth session; see also E/CN.4/2006/91.

III. Observance of the International Day for the Right to the Truth concerning Gross Human Rights Violations and for the Dignity of Victims

13. The first International Day for the Right to the Truth concerning Gross Human Rights Violations and for the Dignity of Victims was observed on 24 March 2011. In order to ascertain how the International Day was observed around the world, notes verbales were sent to Member States, and United Nations agencies, departments, funds and other international and regional organizations, requesting them to provide relevant information on any activities carried out and events organized in connection with the commemoration of the International Day. Letters requesting similar information were also sent to a number of NGOs, including those with a particular focus on the right to the truth.

14. Responses were received from Colombia, El Salvador, the Islamic Republic of Iran, the Department of Public Information of the United Nations Secretariat, the Food and Agriculture Organization of the United Nations (FAO), the Organization for Economic Cooperation and Development (OECD), the Humanitarian Law Center, the International Center for Transitional Justice, the International Commission on Missing Persons, and the Museo de la Memoria y los Derechos Humanos, in Chile.

A. Member States

15. In its response, El Salvador described the background to General Assembly resolution 65/196, noting that it was the initiator and sponsor of the resolution. El Salvador organized events around the world to commemorate the International Day, which coincided with the thirty-first anniversary of the assassination of Monsignor Romero. At the United Nations in Geneva, El Salvador paid tribute to the memory and legacy of Monsignor Romero by hosting an event dedicated to his memory. The opening ceremony was led by Deputy Permanent Representative Eugenio Arène, who referred to 24 March as an emotional day for the Salvadoran society and stated that Monsignor Romero had become the global symbol for human rights and a constant reminder that the violations he denounced should never be repeated. The human rights director of the Ministry of Foreign Affairs of El Salvador said that the proclamation by the General Assembly of the International Day symbolized the compassionate relationship that existed between Monsignor Romero and the victims of human rights violations. He recognized that, while El Salvador has a long way to go in terms of human rights, all State institutions must commit to work for the dignity of victims. The OHCHR Director of the Field Operations and Technical Cooperation Division noted in his remarks that people often become heroes for the extraordinary courage they show, and that Monsignor Romero had unwavering determination, demanding peace based on respect for human rights. While his life was taken, his voice could not be silenced. Monsignor Romero had become "a beacon of hope in a country ravaged by poverty, injustice and pain".

16. El Salvador also hosted a panel discussion at United Nations Headquarters at which Monsignor Romero was remembered, and the importance of continuing his work in today's world was discussed. The Deputy Minister for Salvadorans Abroad

emphasized the importance of Monsignor Romero's work as a champion of the poor and the oppressed.

17. Also on 24 March, Salvadoran embassies and consulates around the world hosted an exhibition of photographs, "Romero Vive", consisting of photographs produced by the Museo de la Palabra y la Imagen, in San Salvador. Religious ceremonies were also conducted in a number of different countries, in which representatives from the Salvadoran embassies and consulates, as well as Salvadoran communities abroad, participated.[15] In the country's capital, San Salvador, a mass was held at the chapel of the Hospital of Divine Providence, where Monsignor Romero was killed, following which people marched through the city to Monsignor Romero's crypt in the Cathedral of San Salvador to pay their respects. Additionally, in Milan, Italy, members of the Salvadoran community in northern Italy, members of the consulates in Milan, academics, journalists, and representatives of NGOs and religious institutions attended a conference about Monsignor Romero and the International Day. Speakers delivered presentations on the political dimension of Monsignor Romero's faith and human rights, historical memory, the experience of Monsignor Romero and the International Day.

18. In its response, Colombia described the law on victims and restitution of land (Law 1448), which came into force in June 2011, as well as various related initiatives. It also referred to the law to ensure truth, justice and reparation for victims of demobilized members of organized groups outside the law (Law 1424), which seeks to resolve the legal status of approximately 20,000 demobilized former members of paramilitary and guerrilla groups who participate in a process of establishing the truth and historical memory about past events. Furthermore, Colombia explained that on International Human Rights Day, it celebrates the national day of solidarity with the victims of State crimes.

19. In its response, the Islamic Republic of Iran indicated that no activities were carried out by United Nations agencies, notably the United Nations Population Fund, the United Nations Industrial Development Organization, the United Nations Children's Fund, the United Nations Office for Drugs and Crime, the World Food Programme and United Nations agencies working in Iraq, in respect of the International Day.

B. United Nations

20. Following the proclamation of the International Day, the News and Media Division of the Department of Public Information created a website as a public information tool.[16] The website provides background to the International Day, including information and documents on the right to the truth, biographical information on Monsignor Romero, the findings of the Commission on the Truth for El Salvador regarding the circumstances of Monsignor Romero's death, and links to other websites about him.

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[15] Religious ceremonies were held in Brasilia; Montreal, Ottawa and Vancouver, Canada; Rome and Milan, Italy; San Cristóbal de las Casas, Mexico; Managua; Panama City, Madrid; Taipei; Los Angeles, New York, Washington, D.C., Elizabeth (New Jersey), Woodbridge (Virginia), Woodstock (Georgia), United States of America.

[16] www.un.org/en/events/righttotruthday/index.shtml.

21. Inaugurating the International Day, the Secretary-General issued a message, the text of which may be found on the International Day's website, and the High Commissioner for Human Rights gave a statement. Both the message of the Secretary-General and the statement of the High Commissioner were further disseminated by the United Nations News Centre and other United Nations entities.[17]

22. In his message, the Secretary-General drew attention to the murder of Monsignor Romero on 24 March 1980, noting that it was intended to silence an ardent opponent of repression in El Salvador, and he paid tribute to Monsignor Romero's work and that of all human rights defenders around the world. The Secretary-General also called for recognition of the indispensable role of the truth in upholding human rights. In that regard, he recalled that victims of gross human rights violations and their families are entitled to know the truth about the circumstances surrounding these violations, the reasons they were perpetrated and the identity of the perpetrators, noting that knowing the truth offers individual victims and their relatives a way to gain closure, restore their dignity and experience some remedy for their loss. Furthermore, the Secretary-General noted that exposing the truth also helps societies to foster accountability for violations, and can provide catharsis and help produce a shared history of events that facilitates healing and reconciliation. Finally, the Secretary-General called upon all stakeholders "to defend the right to the truth as we pursue our global mission of human rights".

23. In her statement, the High Commissioner for Human Rights highlighted the value of the right of the truth for the tens of thousands of people around the world who remain disappeared, as "knowing the truth allows victims and relatives to gain a sense of closure, some restoration of dignity and receive an acknowledgement of their suffering." She also noted that "the truth is a tool to combat impunity. It is a tool for justice. And it is a vital step in preventing a recurrence of events that led to the violations." It is, therefore, important to bring the truth to light, including through public, independent and impartial inquiries into gross violations of human rights, such as torture, rape, sexual slavery, disappearances and killing. The High Commissioner recalled that, in recent years, her Office has supported a number of fact-finding missions and commissions of inquiry in response to reports of gross human rights violations in a number of countries. Furthermore, the High Commissioner paid tribute to the brave men and women who have taken, and continue to take, great risks to ensure that the truth is told about human rights violations in their countries, noting that the date of the International Day was chosen to commemorate Monsignor Romero, who was killed for his outspoken condemnation of the violations being committed against the most vulnerable populations in his country. Finally, the High Commissioner called upon all States to take all appropriate measures to give effect to the rights to the truth, justice and reparations, which are at the core of the fight against impunity and the restoration of the dignity of victims.

[17] See for example, the United Nations Press Centre press release: http://www.un.org/apps/news/story.asp?NewsID=37878&Cr=human%20rights&Cr1=RegionalUN. United Nations entities also carried information about the International Day on their websites, for example, OHCHR, OHCHR field presences, UNESCO, UNHCR, United Nations Integrated Mission in Timor Leste, United Nations in South Africa, United Nations Office at Geneva, and United Nations Information Centers.

C. Other international organizations and civil society entities

24. In its response, OECD noted that, while it did not organize any activities around the International Day, it welcomed the initiative. It stated that it has been increasingly working on the issue of business and human rights, and it welcomed the cooperation with the United Nations in this context, and particularly with the Secretary-General's Special Representative for Business and Human Rights.

25. The International Center for Transitional Justice noted, in its response, that the right to truth and dignity for victims are two founding principles on which transitional justice is based. It marked the International Day by presenting a memorialization initiative to the human rights community in New York. It partnered with Ms. Marina García Burgos, a Peruvian photographer and activist, to present and discuss the "Scarf of Hope", an initiative by which relatives of those missing and disappeared during Peru's armed conflict take over public spaces in different cities to knit scarves, which are devoted to the memory of their loved ones. The initiative has drawn attention to the unsolved cases of approximately 15,000 cases of disappearances in Peru. Thousands of scarves have been knitted together to create the kilometre-long "Scarf of Hope", which was featured in the Municipality of Lima, together with the "Scarf of Solidarity", knitted by citizens who, albeit not been directly touched by disappearances, wanted to express their respect for the victims.

26. In its response, the International Committee on Missing Persons noted that, to its knowledge, the International Day was not commemorated in the Western Balkans, or in other countries in which it works. It suggested that this may have been due to a lack of awareness regarding the proclamation of this day among international organizations or civil society entities working on truth-seeking and truth-telling. ICMP also noted that, in the context of its work encouraging Governments and civil society to adopt universal forms of commemoration in order to pay tribute to victims and foster a culture of human rights, it actively promotes the commemoration of missing persons on 30 August, the International Day of the Disappeared. On this day, civil society and Governments are able to jointly pay tribute to the missing and, as such, this "contributes to reconciliation across the conflict divide". ICMP suggested that the United Nations adopt 30 August as the International Day of the Disappeared.

27. The Museo de la Memoria y los Derechos Humanos, in Santiago, Chile, stated in its response that, owing to unawareness about the proclamation of the International Day, it did not commemorate it. However, it expressed an intention to accord the day special recognition next year.[18]

28. A number of NGOs, including the Inter-American Institute of Human Rights and Pax Christi International, issued press statements or messages, drawing attention to the International Day and providing information about the right to the

[18] In its response, FAO stated that it did not have any relevant information to provide regarding activities carried out to commemorate the International Day. In its response, the Humanitarian Law Center stated that it did not mark the International Day, and it was not aware of an institution or NGO that did mark it.

truth, and the purpose of the day itself.[19] Pax Christi International also organized a peace spirituality session in El Salvador in the context of the International Day.[20]

IV. Conclusions

29. **As the present report indicates, the International Day was observed by a number of Member States, the United Nations, and NGOs around the world in a variety of ways. These commemorations are especially significant, given that 24 March 2011 marked the first International Day. At the same time, it appears that awareness of the proclamation of the International Day could be deepened globally, nationally and in local communities. This would enhance the observance of the International Day in the future.**

30. **Member States, organizations of the United Nations system and other international organizations and civil society entities, such as NGOs and individuals, all have a role to play in this regard.**

31. **Greater coverage of the International Day, including by the media and through the use of public information campaigns, would raise the profile of the International Day, as well as create impetus for involvement by all actors and stakeholders.**

32. **Seminars, forums or workshops, exhibitions, the production of films and documentaries and other initiatives addressing issues related to the right to the truth and expressing solidarity with victims of gross human rights violations could not only form part of future International Day commemorations, but would also assist with awareness-raising about the day.**

33. **The significance of the International Day for individuals and societies could be further strengthened through the participation in such events by victims themselves. Furthermore, the attendance of personalities or public officials at future commemorations could ensure that these events are accorded greater attention.**

34. **The Secretary-General encourages all Member States, organizations and individuals to take advantage of the opportunity that the International Day provides to promote the memory of victims of gross human rights violations, to pay tribute to the human rights defenders that fight for the truth, and to recognize the importance of the right to the truth and the right to justice, which are fundamental to ending impunity and restoring the dignity of victims.**

[19] Other NGOs also acknowledged the International Day on their websites, for example, Archivists Watch, International Council on Archives, Peacemakers Trust, and Youth Initiative for Human Rights (Kosovo).

[20] See http://www.paxchristi.net/international/eng/news.php?id=753&wat=show.